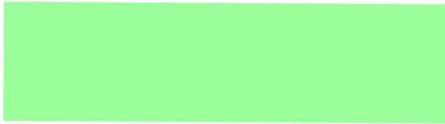




U.S. Citizenship
and Immigration
Services

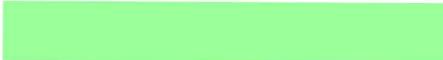
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DATE: **SEP 16 2013**

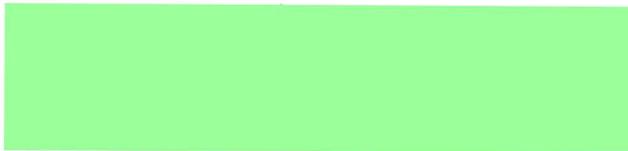
Office: CALIFORNIA SERVICE CENTER

FILE: 

IN RE: Applicant: 

APPLICATION: Application for Temporary Protected Status under Section 244 of the
Immigration and Nationality Act, 8 U.S.C. § 1254a

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions.

Thank you,

Ron Rosenberg
Chief, Administrative Appeals Office

DISCUSSION: The re-registration application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office on appeal. The case will be remanded for further action.

The applicant claims to be a citizen of Haiti who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director denied the re-registration application because the applicant was never granted TPS and because her initial TPS application had been denied on March 8, 2012.¹

On appeal, counsel asserts that the applicant never received the decision denying her initial TPS application and that the applicant did not respond to the Request for Evidence within the allotted time.

It is noted for the record that the notice denying the initial TPS application was sent to the applicant's address of record at the time. Said notice was returned by the U.S. Postal Service (USPS) as unclaimed. The applicant did not provide U.S. Citizenship and Immigration Services with a change of address until November 7, 2012.

As evidence that a timely response to the Request for Evidence was submitted, counsel provides a copy of a letter from the USPS dated April 11, 2013, along with its track and confirm receipt, which indicates that an item was delivered to the address of the Nebraska Service Center on February 8, 2012 at 10:33 a.m.

Accordingly, the decision to deny the re-registration application shall be withdrawn. The case will be remanded so that the director may locate and review the item(s) submitted on February 8, 2012, and then make a determination to the applicant's TPS eligibility.

The director's denial of the application for re-registration is dependent upon the adjudication of the initial application. Since contemporaneous evidence has been provided on appeal indicating that a response had been submitted for the initial TPS application, the director's decision to deny the initial application is also withdrawn. The director may request any evidence deemed necessary to assist with the determination of the applicant's eligibility for TPS.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

ORDER: The case is remanded for appropriate action consistent with the above discussion and entry of a new decision.

¹ The initial application was denied by the Director, Nebraska Service Center, due to abandonment.